

EXHIBIT A

1 COMMONWEALTH OF MASSACHUSETTS
2 FOR THE DISTRICT OF MASSACHUSETTS
3 C.A. NO. 02-12216 RGS Rule 30 Deposition

4 H. CHARLES TAPALIAN
5 Plaintiff

6 VS.
7 LAWRENCE HAVRYLIK, ET AL,
8 Defendants

10
11 DEPOSITION OF LAWRENCE HAVRYLIK, taken
12 on behalf of the Plaintiff, pursuant to Rule
13 30 of the Massachusetts Rules of Civil
14 Procedure, before Lynn L. Lake, a Certified
15 Shorthand Reporter and Notary Public within
16 and for the Commonwealth of Massachusetts,
17 at the offices of GOUDREAU & GROSSI COURT
18 REPORTING, 63 WINTHROP STREET, TAUNTON, MA,
19 commencing on April 8, 2005, at 9:56 a.m.
20 pursuant to Notice and agreement of parties
21 as to the date and time of taking said
22 deposition.

23 * * * * *
24 Goudreau & Grossi
25 Court Reporting Service, Inc.
26 63 Winthrop Street
27 Taunton, MA 02780
28 (508) 823-4659

1 A. Typically it was when the -- I'm trying to
2 think of the right -- the subject of the
3 Executive Session was resolved. You know,
4 usually that's when the minutes would be
5 released so it could be made public. It
6 wasn't a pending thing typically.

7 Q. From week to week and month to month and year
8 to year, was there a procedure that was
9 followed as far as an ongoing review of what
10 had not been released; were they all in a
11 pile, "this hasn't been released," and you'd
12 have to keep looking at them?

13 A. The secretary basically dealt with that. From
14 time to time she would sort of try to thin the
15 pile down, you know. I really didn't have any
16 direct involvement with that. That was pretty
17 much a housekeeping matter for the office.

18 Q. During your term, what if any steps were taken
19 to make sure that the minutes were accurate?

20 A. We'd review them after they were compiled by
21 the secretary and then, you know, if we voted
22 to approve -- we could make changes, you know,
23 if we felt something wasn't quoted properly.

24 Q. These were not -- were these intended to be

1 verbatim minutes of everything that was said?

2 A. No.

3 Q. So they were intended to be summaries --

4 A. Yes.

5 Q. -- of what was said?

6 A. Yes.

7 Q. Thank you.

8 Now, before I get to the specifics of
9 this, Mr. Kinniburgh is mentioned here; have
10 you ever discussed Mr. Tapalian with
11 Mr. Kinniburgh outside of selectmen meetings?

12 A. No.

13 Q. Mr. Varone also, have you discussed him with
14 Mr. Varone?

15 A. I've discussed the case with Mr. Varone.

16 Q. Outside of Executive Session?

17 A. Yes.

18 Q. What discussions have those been?

19 A. Just the fact that it was pretty incredulous
20 that I got involved in this whole thing. And
21 he and I are friends and that was it.

22 Q. What about this Lauren Leonard; have you ever
23 discussed it with her?

24 A. I really had very little contact with her

1 Mr. Kinniburgh makes this motion?

2 MR. SILVERFINE: Objection as to
3 form. You can answer.

4 A. Again, I assume there was but I don't recall.

5 Q. Do you know the reason that it does not appear
6 in these minutes --

7 MR. SILVERFINE: Objection as to
8 form. You can answer.

9 Q. -- if it did occur?

10 A. Other than the fact that the minutes are -- I
11 think the only thing that's obliged to be in
12 the minutes are what motions were made and the
13 votes. So it just wasn't required, and
14 somebody made a judgment not to include it I
15 guess.

16 Q. Who makes that call; is it Ms. Dacanay?

17 A. I would think basically, yes, to the level of
18 detail.

19 Q. It's pretty much her call?

20 A. Right.

21 Q. Did you ever give her instructions one way or
22 the other as to what should or should not be
23 included in the minutes?

24 A. No.

1 they're not always as they appear and it's
2 just -- I relied on our Town Counsel to deal
3 with those kind of things. I have no special
4 knowledge or expertise in that area.

5 Q. From time to time, looking through the minutes
6 that we have and so forth, decisions had to be
7 made concerning Mr. Tapalian's situation; is
8 that correct?

9 A. Yes.

10 Q. And you participated in the decision making?

11 A. Yes.

12 Q. And you -- let me rephrase that.

13 were there any times in which you
14 voted to -- voted in such a way as to take a
15 position contrary to what was being suggested
16 by Town Counsel?

17 A. Not that I recall, no.

18 Q. Any time that you took a position contrary to
19 what was being suggested by the Town
20 Administrator --

21 A. I can't cite specifics --

22 Q. -- concerning Mr. Tapalian?

23 A. Concerning Mr. Tapalian, not that I recall.

24 MR. REILLY: I realize in six